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stripes are twice the width of the red stripes.

[CGFR 66–32, 31 FR 10321, July 30, 1966, as amended by CGD 97–018, 63 FR 33574, June 19, 1998; USCG–2001–10714, 69 FR 24982, May 5, 2004]

§ 66.10–35 Navigation lights.

A red light shall only be used on a solid colored red buoy. A green light shall only be used on a solid colored black or a solid colored green buoy. White lights shall be used for all other buoys. When a light is used on a cardinal system buoy or a vertically striped white and red buoy, it shall always be quick flashing.

[CGD 97–018, 63 FR 33574, June 19, 1998]

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

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AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 58–17, 23 FR 3377, May 20, 1958, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 67 appear by USCG–2001–10714, 69 FR 24983, 24984, May 5, 2004.

Subpart 67.01—General Requirements

§ 67.01-1 Scope.

(a) The regulations in this part prescribe the obstruction lights and sound signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Subpart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the Outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§ 67.01-5 Definitions.

(a) *Structures*. The term “structures” as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers’ permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, Mobile Offshore Drilling Units (MODUs) when attached to the bottom, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class “A”, “B”, or “C” structures*. The term “Class A, B, or C structures” refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation*. The term “line of demarcation” means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class “A” and Class “B” or “C” requirements.

(d) *Outer Continental Shelf*. The term “Outer Continental Shelf” means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation*. The term “reliable” as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and sound signals as private aids to navigation for safety of marine commerce.

(f) *Sound signal*. The term “sound signal” as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 63-18, 28 FR 4026, Apr. 14, 1963; USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.01-10 Delegation of functions.

The Coast Guard District Commander may delegate the authority for performing inspections, enforcement, and administration of regulations to any civilian or military position in the Coast Guard.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.01-15 Classification of structures.

(a) *When will structures be assigned to a Class?* The District Commander will assign structures to Class A, B, or C as part of processing an application for a permit to establish and operate lights and sound signals.

(b) *In general, where will the different classes of structures be located?* Specific criteria in paragraph (c) of this section may create exceptions, but, in general, structures the farthest from shore are likely to be assigned to Class A and required to have obstruction lights and sound signals that can be detected from the farthest distance. Structures closest to shore are likely to be assigned to Class C and, while subject to

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requirements to ensure that they are also detectable from a safe distance away, will be required to have the least powerful obstruction lights or sound signals. The location and standards for Class B structures will generally be in between Class A and C structures.

(c) *What criteria will be used to classify structures?* When assigning a structure to a class, the District Commander will take into consideration whether a line of demarcation has been prescribed, and matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located, the proximity of the structure to vessel routes, the nature and amount of vessel traffic, and the effect of background lighting.

(1) If a line of demarcation has been prescribed, the District Commander will assign those structures seaward of the line of demarcation to Class A. He or she will assign all structures shoreward of the line of demarcation to either Class B or Class C, unless the District Commander determines under § 67.05–25 that the structure should be assigned to Class A because of the structure's proximity to a navigable channel, fairway or line of demarcation.

(2) If a line of demarcation has not been prescribed, the District Commander will assign a structure to Class A, B, or C as he or she deems appropriate.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

§ 67.01–20 Prescribing lines of demarcation.

The District Commander sends recommendations for establishing or changing lines of demarcation to the Commandant. For the purposes of this part, when the Commandant approves of additions to or changes in prescribed lines of demarcation, such additions or changes will be published in the FEDERAL REGISTER and will become effective on the date specified in that publication.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

§ 67.01–30 Equivalents.

The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted

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by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

Subpart 67.05—General Requirements for Lights

§ 67.05–1 Arrangement of obstruction lights.

(a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20–5, § 67.25–5, or § 67.30–5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class “A”, “B” or “C” structure marked by established obstruction lights, but they shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until the mariner is

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within 50 feet of the structure, visibility permitting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.05-5 Multiple obstruction lights.

When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

§ 67.05-10 Characteristics of obstruction lights.

All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class "A" and "B" structures, and either white or red, as prescribed by the District Commander, when marking Class "C" structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.05-15 Operating periods of obstruction lights.

Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the ac-

tual operation of obstruction lights also will not be required.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958]

§ 67.05-20 Minimum lighting requirements.

The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

§ 67.05-25 Special lighting requirements.

Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

Subpart 67.10—General Requirements for Sound signals

SOURCE: CGD 72-74R, 37 FR 13512, July 8, 1972, unless otherwise noted.

§ 67.10-1 Apparatus requirements.

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

- (a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;
- (b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;
- (c) Have the rated range required by § 67.20-10, § 67.25-10, or § 67.30-10;
- (d) Have a height not exceeding 25 feet;
- (e) Have not more than eight sound sources;

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(f) Be approved by the Coast Guard under § 67.10-15; and

(g) Be permanently marked with:

(1) The date of Coast Guard approval;

(2) The manufacturer and date of manufacture;

(3) A model designation;

(4) The approved range; and

(5) The power necessary to comply with the provisions of paragraph (c) of this section.

§ 67.10-5 Location requirements.

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required rated range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

§ 67.10-10 Operating requirements.

(a) Sound signals required by §§ 67.20-10, 67.25-10, and 67.30-10 must be operated continuously, regardless of visibility, unless the sound signal is controlled:

(1) By an attendant on the structure;

(2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the sound signal when the visibility in any direction is reduced to the rated range at which sound signal operation is required by this part.

(b) During construction and until such time as a sound signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.10-15 Approval of sound signals.

(a) The Coast Guard approves a sound signal if:

(1) It meets the requirements for sound signals in § 67.10-1 (a), (b), (c), (d), and (e) when tested under § 67.10-20; or

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(2) It is similar to a sound signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the sound signal tested.

(b) A sound signal that is an identical production model of a sound signal which has been approved under paragraph (a) of this section is a Coast Guard approved sound signal.

§ 67.10-20 Sound signal tests.

(a) Sound signal tests must:

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the entire sound signal, as if installed for actual use.

(b) The sound pressure level must be measured as a function of:

(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10-1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.

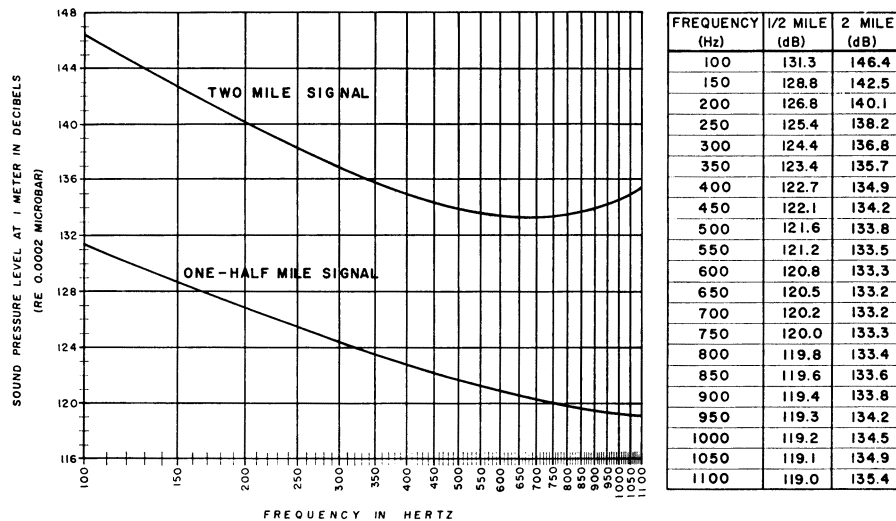


TABLE A: REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

§ 67.10-25 Application for tests.

A person requesting a Coast Guard representative at a test of a sound signal must:

(a) Direct a written request to the Office of Aids to Navigation, (CG-541), 2100 2nd St., SW., Stop 7581, Washington, DC 20593-7581 including:

- (1) Requestor's name, address, and telephone number;
- (2) A description of the sound signal;
- (3) Rated range for which approval is requested;
- (4) Location of the anechoic chamber; and
- (5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10-20 including all travel and per diem expenses of the U.S. Government in sending a Coast Guard representative to the test.

[CGD 72-74R, 37 FR 13512, July 8, 1972, as amended by CGD88-052, 53 FR 25119, July 1, 1988; CGD 96-026, 61 FR 33663, June 28, 1996; USCG-2001-10714, 69 FR 24983, May 5, 2004; USCG-2010-0351, 75 FR 36281, June 25, 2010]

§ 67.10-30 Withdrawal of approval.

The Coast Guard may withdraw approval of a sound signal if it fails to

meet the requirements of § 67.10-1 (a), (b), and (c).

§ 67.10-35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a sound signal in the Local Notice to Mariners.

(b) A listing of approved sound signals may be obtained from any District Commander.

§ 67.10-40 Sound signals authorized for use prior to January 1, 1973.

Any sound signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10-1 (b) and (c), 67.10-5, and 67.10-10, if the sound signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20-10, § 67.25-10, or § 67.30-10.

**Subpart 67.15—Miscellaneous
Marking Requirements**

§ 67.15-1 Lights and signals on attendant vessels.

The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance must display lights and signals under the International Navigational Rules Act of 1977 (33 U.S.C. 1601-1608) that adopted the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), or the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001-2038). When vessels are fixed to or submerged onto the seabed, however, they become structures as described in § 67.01-5.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.15-5 Seismographic and surveying operations.

All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

§ 67.15-10 Spoil banks, artificial islands, and dredged channels.

(a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in subpart B of part 62 of this subchapter.

(b) To receive a permit to establish and maintain a private aid to navigation for the purposes described in paragraph (a) of this section, submit your application to the District Commander. The District Commander will review all applications and issue all permits.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

**Subpart 67.20—Class “A”
Requirements**

§ 67.20-1 Class “A” structures.

Class “A” structures shall be the structures erected in an area where Class “A” requirements must be met.

§ 67.20-5 Obstruction lights.

The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that governed by the requirement in § 67.05-1(f) that mariners be able to see at least one of the lights, regardless of the angle of approach, until within 50 feet of the structure, visibility permitting.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.20-10 Sound signal.

(a) The owner of a Class “A” structure shall:

- (1) Install a sound signal that has a rated range of at least 2 miles; and,
- (2) Operate the sound signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he or she finds that a structure is so close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24984, May 5, 2004]

**Subpart 67.25—Class “B”
Requirements**

§ 67.25-1 Class “B” structures.

Class “B” structures shall be the structures erected in an area where Class “B” requirements must be met.

§ 67.25-5 Obstruction lights.

(a) The obstruction lights shall be white lights as prescribed in Subpart

67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f), except that on Class “B” structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

(b) The District Commander may waive the requirement for obstruction lights on Class “B” structures if there is no hazard to navigation by so doing.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

§ 67.25-10 Sound signal.

(a) The owner of a Class “B” structure shall:

(1) Install a sound signal that has a rated range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater rated range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the sound signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles, under the provisions of paragraph (b) or (c) of this section.

(b) The owner of a Class “B” structure shall install a sound signal with a greater rated range or operate it at times of greater visibility than required in paragraph (a) of this section if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the sound

signal at times of greater visibility is necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he or she finds that a structure is:

(1) So close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

Subpart 67.30—Class “C” Requirements

§ 67.30-1 Class “C” structures.

Class “C” structures shall be the structures erected in an area where Class “C” requirements must be met.

§ 67.30-5 Obstruction lights.

(a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class “C” structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Commanding Officer, Document Automation and Production Service, 700 Robbins Avenue, Building 4, Section D, Philadelphia, PA 19111-5091.

(b) When Class “C” structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction

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lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class “C” structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968; USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

§ 67.30-10 Sound signals.

(a) The owner of a Class “C” structure shall install a sound signal if:

(1) The structure is erected on or adjacent to the edge of a:

- (i) Navigable channel;
- (ii) Fairways; or
- (iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Sound signals required by paragraph (a) of this section must have rated range of at least one-half mile, unless the District Commander prescribes a greater rated range, not to exceed 2 miles.

(c) The owner of the structure shall operate the sound signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class “C” structures may have sound signals if:

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The sound signal meets the requirements of § 67.10-1 (a) and (b).

[CGD 72-74R, 37 FR 13513, July 8, 1972]

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Subpart 67.35—Applications

§ 67.35-1 Procedure.

(a) An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or sound signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

§ 67.35-5 Contents of application.

(a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and sound signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

§ 67.35-10 Private aids to navigation.

See § 67.15-10(b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

§ 67.35–15 To whom addressed.

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

Subpart 67.40—Notification**§ 67.40–1 Notification to District Commander.**

(a) *Class “A” structures.* In the case of structures to be located in areas where Class “A” requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. Persons constructing structures must notify the District Commander by either telegram or overnight mail on the day they begin construction. Within this notice, they must inform him or her of the lights and sound signals they will use during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or sound signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class “B” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “B” requirements must be met, in the same manner as prescribed in the case of Class “A” structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class “C” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “C” re-

quirements must be met, upon completion of the structure.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 62–32, 27 FR 10101, Oct. 13, 1962; USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 67.40–5 Waivers.

(a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his or her judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or sound signal have been modified or waived, constitutes a hazard to marine navigation, he or she is authorized to revoke or revise his or her previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or sound signals in accordance with this part.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 67.40–10 Communication with owner.

Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40–15 Marking at owner’s expense.

The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40–20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the

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District Commander that the structure has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or sound signals or other markings required by this part.

§ 67.40-25 Penalty.

The penalty for violation is in section 1, 63 Stat. 501 (14 U.S.C. 85), or section 4(e)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

Subpart 67.50—District Regulations

§ 67.50-1 Scope.

(a) The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

(b) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86-082, 52 FR 33810, Sept. 8, 1987]

§ 67.50-5 First Coast Guard District.

(a) *Description.* See § 3.05-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

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§ 67.50-15 Fifth Coast Guard District.

(a) *Description.* See § 3.25-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-20 Seventh Coast Guard District.

(a) *Description.* See § 3.35-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-25 Eighth Coast Guard District.

(a) *Description.* See § 3.40-1 of this chapter.

(b) *Lines of demarcation.* The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class “A”, “B” or “C” requirements. The primary line of demarcation delimits the areas to the seaward of which Class “A” requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class “C” requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class “C” structures. Class “B” requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point at Lat. 30°11′.3 N., Long. 88°03′.0 W., thence to;

(ii) A point at Lat. 30°11′.5 N., Long. 88°31′.7 W., thence to;

(iii) A point at Lat. 30°12′.7 N., Long. 88°58′.0 W., thence to;

(iv) A point due west of (iii) at Long. 89°00′ W., thence to;

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(v) A point at Lat. 30°08'.0 N., Long. 89°00' W., thence to;

(vi) A point at Lat. 30°04'.7 N., Long. 88°53'.7 W., thence via a line two miles to seaward around Chandeleur Island to;

(vii) A point at Lat. 29°34'.0 N., Long. 89°00' W., thence to;

(viii) A point at Lat. 29°15'.0 N., Long. 89°00' W., thence to;

(ix) A point at Lat. 29°14'.0 N., Long. 88°57'.7 W., thence to;

(x) A point at Lat. 29°10'.0 N., Long. 88°57'.0 W., thence to;

(xi) A point at Lat. 29°03'.6 N., Long. 89°02'.3 W., thence via the five fathom curve to;

(xii) A point at latitude 28°58'.1 N., longitude 89°09'.6 W., thence to;

(xiii) A point at latitude 28°57'.8 N., longitude 89°13'.6 W., thence to;

(xiv) A point at latitude 28°57'.8 N., longitude 89°19'.5 W., thence to;

(xv) A point at latitude 28°53'.8 N., longitude 89°25'.7 W., thence to;

(xvi) A point at latitude 28°52'.6 N., longitude 89°25'.9 W., thence via the 10 fathom curve to;

(xvii) A point at latitude 29°00' N., longitude 89°34'.0 W., thence to;

(xviii) A point at latitude 29°00' N., longitude 90°05'.0 W., thence to;

(xix) A point at latitude 28°46'.3 N., longitude 91°07'.5 W., thence to;

(xx) A point at latitude 29°11'.5 N., longitude 92°21'.0 W., thence to;

(xxi) A point at latitude 29°29'.0 N., longitude 92°32'.3 W., thence via the 5 fathom curve to;

(xxii) A point at latitude 29°41'.2 N., longitude 93°19'.9 W., thence to;

(xxiii) A point at latitude 29°38'.7 N., longitude 93°49'.4 W., thence to;

(xxiv) A point on the 5 fathom curve at latitude 29°35'.8 N., longitude 94°00' W., thence via the 5 fathom curve to;

(xxv) A point at latitude 29°26'.7 N., longitude 94°30'.0 W., thence to;

(xxvi) A point at latitude 28°55'.3 N., longitude 95°16'.3 W., thence to;

(xxvii) A point at latitude 28°54'.9 N., longitude 95°15'.6 W., thence to;

(xxviii) A point at latitude 28°19'.3 N., longitude 96°23'.3 W., thence to;

(xxix) A point at latitude 27°49'.5 N., longitude 97°01'.2 W., thence to;

(xxx) A point on the 10 fathom curve at latitude 27°30'.0 N., longitude 97°10'.0 W., thence via the 10 fathom curve to;

(xxxi) A point at latitude 27°00' N., longitude 97°17'.5 W., thence to;

(xxxii) A point at latitude 26°04'.1 N., longitude 97°08'.6 W.

(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point in Breton Sound at Lat. 29°34'.0 N., Long. 89°00'.0 W., thence to;

(ii) A point at Lat. 29°30'.0 N., Long. 89°10'.0 W., thence to;

(iii) A point at Lat. 29°20'.9 N., Long. 89°10'.0 W., thence to;

(iv) A point at Lat. 29°15'.3 N., Long. 89°04'.0 W., thence to;

(v) A point at Lat. 29°14'.1 N., Long. 88°59'.0 W., thence to;

(vi) A point at Lat. 29°08'.6 N., Long. 88°58'.3 W., thence to;

(vii) A point at Lat. 29°02'.1 N., Long. 89°06'.6 W., thence to;

(viii) A point at Lat. 28°58'.1 N., Long. 89°08'.4 W., thence to;

(ix) A point at Lat. 29°01'.1 N., Long. 89°16''.1 W., thence to;

(x) A point at Lat. 28°53'.7 N., Long. 89°26'.0 W., thence to;

(xi) A point at Lat. 28°54'.3 N., Long. 89°27'.5 W., thence to;

(xii) A point at Lat. 29°02'.2 N., Long. 89°24'.2 W., thence to;

(xiii) A point at Lat. 29°11'.8 N., Long. 89°30'.0 W., thence to;

(xiv) A point at Lat. 29°17'.9 N., Long. 89°46'.6 W., thence to;

(xv) A point at Lat. 29°17'.1 N., Long. 89°50'.8 W., thence to;

(xvi) A point at Lat. 29°14'.5 N., Long. 89°55'.1 W., thence to;

(xvii) A point at Lat. 29°10'.9 N., Long. 90°02'.9 W., thence to;

(xviii) A point at Lat. 29°05'.5 N., Long. 90°10'.0 W., thence to;

(xix) A point at Lat. 29°04'.5 N., Long. 90°12'.0 W., thence to;

(xx) A point at Lat. 29°02'.0 N., Long., 90°20'.8 W., thence to;

(xxi) A point at Lat. 29°01'.9 N., Long. 90°24'.9 W., thence to;

(xxii) A point at Lat. 29°03'.6 N., Long. 90°32'.8 W., thence to;

(xxiii) A point at Lat. 29°01'.9 N., Long. 90°41'.7 W., thence to;

(xxiv) A point at Lat. 29°00'.8 N., Long. 90°50'.0 W., thence to;

(xxv) A point at Lat. 29°02'.4 N., Long. 91°01'.5 W., thence to;

(xxvi) A point at Lat. 29°28'.5 N., Long. 92°10'.1 W., thence to;
 (xxvii) A point at Lat. 29°31'.1 N., Long. 92°21'.8 W., thence to;
 (xxviii) A point at Lat. 29°34'.1 N., Long. 92°39'.3 W., thence to;
 (xxix) A point at Lat. 29°41'.1 N., Long. 92°57'.2 W., thence to;
 (xxx) A point at Lat. 29°44'.6 N., Long. 93°07'.9 W., thence to;
 (xxxi) A point at Lat. 29°45'.6 N., Long. 93°13'.7 W., thence to;
 (xxxii) A point at Lat. 29°45'.6 N., Long. 93°17'.3 W., thence to;
 (xxxiii) A point at Lat. 29°44'.3 N., Long. 93°21'.0 W., thence to;
 (xxxiv) A point at Lat. 29°45'.3 N., Long. 93°30'.0 W., thence to;
 (xxxv) A point at Lat. 29°43'.3 N., Long. 93°43'.7 W., thence to;
 (xxxvi) A point at Lat. 29°41'.0 N., Long. 93°48'.8 W., thence to;
 (xxxvii) A point at Lat. 29°38'.8 N., Long. 93°50'.8 W., thence to;
 (xxxviii) A point at Lat. 29°40'.0 N., Long. 93°57'.3 W., thence to;
 (xxxix) A point at Lat. 29°39'.3 N., Long. 94°05'.0 W., thence to;
 (xl) A point at Lat. 29°27'.0 N., Long. 94°37'.0 W., thence to;
 (xli) A point at Lat. 29°23'.1 N., Long. 94°42'.6 W., thence to;
 (xlii) A point at Lat. 29°20'.4 N., Long. 94°41'.5 W., thence to;
 (xliii) A point at Lat. 29°06'.6 N., Long. 95°04'.4 W., thence to;
 (xliv) A point at Lat. 29°04'.6 N., Long. 95°05'.7 W., thence to;
 (xlv) A point at Lat. 29°02'.0 N., Long. 95°10'.0 W., thence to;
 (xlvi) A point at Lat. 28°57'.3 N., Long. 95°16'.2 W., thence to;
 (xlvii) A point at Lat. 28°55'.3 N., Long. 95°17'.9 W., thence to;
 (xlviii) A point at Lat. 28°39'.5 N., Long. 95°48'.4 W., thence to;
 (xlix) A point at Lat. 28°32'.1 N., Long. 96°06'.9 W., thence to;
 (l) A point at Lat. 28°26'.4 N., Long. 96°17'.8 W., thence to;
 (li) A point at Lat. 28°23'.6 N., Long. 96°21'.5 W., thence to;
 (lii) A point at Lat. 28°19'.7 N., Long. 96°23'.3 W., thence to;
 (liii) A point at Lat. 28°19'.3 N., Long. 96°25'.2 W., thence to;
 (liv) A point at Lat. 28°14'.8 N., Long. 96°35'.0 W., thence to;

(lv) A point at Lat. 28°09'.1 N., Long. 96°43'.8 W., thence to;
 (lvi) A point at Lat. 28°02'.4 N., Long. 96°52'.2 W., thence to;
 (lvii) A point at Lat. 27°56'.2 N., Long. 96°58'.3 W., thence to;
 (lviii) A point at Lat. 27°52'.8 N., Long. 97°01'.1 W., thence to;
 (lix) A point at Lat. 27°49'.3 N., Long. 97°03'.0 W., thence to;
 (lx) A point at Lat. 27°46'.4 N., Long. 97°05'.6 W., thence to;
 (lxi) A point at Lat. 27°38'.9 N., Long. 97°10'.6 W., thence to;
 (lxii) A point at Lat. 27°28'.3 N., Long. 97°16'.2 W., thence to;
 (lxiii) A point at Lat. 27°21'.9 N., Long. 97°18'.9 W., thence to;
 (lxiv) A point at Lat. 27°13'.7 N., Long. 97°21'.2 W., thence to;
 (lxv) A point at Lat. 27°05'.4 N., Long. 97°22'.3 W., thence to;
 (lxvi) A point at Lat. 26°57'.1 N., Long. 97°22'.2 W., thence to;
 (lxvii) A point at Lat. 26°48'.9 N., Long. 97°20'.9 W., thence to;
 (lxviii) A point at Lat. 26°39'.1 N., Long. 97°18'.1 W., thence to;
 (lxix) A point at Lat. 26°28'.8 N., Long. 07°14'.3 W., thence to;
 (lxx) A point at Lat. 26°18'.3 N., Long. 97°11'.3 W., thence to;
 (lxxi) A point at Lat. 26°11'.7 N., Long. 97°10'.2 W., thence to;
 (lxxii) A point at Lat. 26°04'.8 N., Long. 97°09'.3 W., thence to;
 (lxxiii) A point at Lat. 26°04'.2 N., Long. 97°08'.8 W., thence to;
 (lxxiv) A point at Lat. 25°58'.3 N., Long. 97°08'.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

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(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All applications for private aids to navigation and all correspondence dealing with private aids to navigation and obstruction lighting must be addressed to Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130–3396.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and sound signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineer, Corps of Engineers, U.S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in

areas in which Class “A”, Class “B”, or Class “C” requirements must be met.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961; CGFR 65–34, 30 FR 9485, July 29, 1965; CGFR 68–95, 33 FR 15285, Oct. 15, 1968; USCG–2000–7223, 65 FR 40055, June 29, 2000; USCG–2001–9286, 66 FR 33640, June 25, 2001]

§ 67.50–30 Ninth Coast Guard District.

(a) *Description.* See § 3.45–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961]

§ 67.50–35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55–1 of this chapter.

(b) *Line of Demarcation.* The line of demarcation described in this section is for administrative purposes to distinguish between the areas in which structures shall be subject to Class “A”, “B”, or “C” requirements. The line delimits the areas to seaward of which class “A” requirements are imposed. The line of demarcation within the jurisdiction of the District Commander is defined as follows:

(1) Commencing at a point of latitude 41°59.8’ N., longitude 124°19.5’ W., thence southward along the seaward limit of the territorial sea to;

(2) A point at latitude 32°32.0’ N, longitude 117°11.0’ W.

(c) Structures located within a half nautical mile of Traffic Separation Scheme Los Angeles/Long Beach will also be subject to class “A” requirements. The traffic separation scheme is depicted on National Ocean Service Charts 18740, 18720, 18725, 18746, 18721.

[CGD11–86–02, 52 FR 37613, Oct. 8, 1987]

§ 67.50–45 Thirteenth Coast Guard District.

(a) *Description.* See § 3.65–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this

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District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 62–25, 27 FR 8733, Aug. 31, 1962]

§ 67.50–50 Seventeenth Coast Guard District.

(a) *Description.* See § 3.85–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01–20.

[CGFR 68–95, 33 FR 15285, Oct. 15, 1968]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

Subpart 70.01—Interference With Aids to Navigation

Sec.

70.01–1 General provisions.

70.01–5 Penalty.

Subpart 70.05—Collision With or Damage to Aids to Navigation

70.05–1 General provisions.

70.05–5 Penalty.

70.05–10 Revocation of merchant mariner credential officer endorsement or license.

70.05–15 Liability for damages.

70.05–20 Report required.

AUTHORITY: Secs. 14, 16, 30 Stat. 1152, 1153; secs. 84, 86, 92, 633, 642, 63 Stat. 500, 501, 503, 545, 547 (33 U.S.C. 408, 411, 412; 14 U.S.C. 84, 86, 92, 633, 642).

Subpart 70.01—Interference With Aids to Navigation

§ 70.01–1 General provisions.

No person, excluding the Armed Forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with part 64, 66, 67, or 68 of this subchapter.

[CGFR 58–17, 23 FR 3383, May 20, 1958]

§ 70.01–5 Penalty.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for

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each offense, and each day during which such violation shall continue shall be considered a new offense.

[CGFR 52–15, 18 FR 12, Jan. 1, 1953]

Subpart 70.05—Collision With or Damage to Aids to Navigation

SOURCE: CGFR 52–15, 18 FR 12, Jan. 1, 1953, unless otherwise noted.

§ 70.05–1 General provisions.

No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

§ 70.05–5 Penalty.

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05–1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

[CGFR 52–15, 18 FR 12, Jan. 1, 1953, as amended by USCG–2009–0416, 74 FR 27438, June 10, 2009]

§ 70.05–10 Revocation of merchant mariner credential officer endorsement or license.

Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05–1 and shall upon conviction be punished as provided in